

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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**TOMMY LEE PIERSON and SHEILA STEM
PIERSON,**

Plaintiffs,

-vs-

Case No. A-16-CA-1070-SS

**FIRST NATIONAL BANK OF GIDDINGS and
SHAWN L. HANCOCK d/b/a H&H Recovery
Services,**

Defendants.

ORDER

BE IT REMEMBERED on this day the Court reviewed the file in the above-styled cause, and specifically the “Report and Recommendation of the United States Magistrate Judge” (#41 filed January 30, 2018) and the plaintiff Pierson’s Objections to the Report and Recommendation (#42 filed February 13, 2018) and, thereafter, enters the following:

This is a lawsuit that gives support to the old saying “No good deed goes unpunished.” The undisputed evidence in this case is that the First National Bank of Giddings made three loans to the Piersons, and each of the loans had collateral attached. The undisputed evidence is that the Piersons defaulted on the loans and the First National Bank of Giddings worked with the Piersons, accommodating their requests with regard to foreclosure, and explored ways the Piersons could reduce the payments to pay the debt or to pay the debt. The Piersons sue as a result of the letter stating that foreclosure on the debt by selling the truck would be accomplished when the First National Bank of Giddings and Tommy Lee Pierson well knew the sale would not go through

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because of conversations. In fact, the sale has never gone through, and the truck sits idly by, depreciating in value primarily because of the conduct of the Piersons.

Shawn L. Hancock never answered summons and never participated in discovery with the request for admissions or otherwise and is, therefore, in default. However, Shawn L. Hancock is not liable under the Fair Debt Collection Practices Act as a matter of law on the undisputed evidence presented in this case.

After a review of the United States Magistrate Judge's findings and the plaintiffs' objections, the only order in this case is as follows:

IT IS ORDERED that the Motion for Summary Judgment by Tommy Lee Pierson and Sheila Stem Pierson is DENIED. This case remains standing for trial in the month of November 2018.

SIGNED this the 22nd day of February 2018.



SAM SPARKS
SENIOR UNITED STATES DISTRICT JUDGE